United Nations CCPR/C/LVA/Q/3/Add.1

International Covenant on Civil and Political Rights

Distr.: General
26 February 2014

English only

Human Rights Committee
110th session
10 – 28 March 2014
Item 5 of the provisional agenda
Consideration of reports submitted by States parties under article 40 of the Covenant

List of issues in relation to the third periodic report of Latvia

Addendum

Replies of Latvia to the list of issues* **

[7 February 2014]

1. The present Replies to the list of issues (the Replies) have been prepared by the Government of the Republic of Latvia in response to the request made by the United Nations Human Rights Committee (the Committee). The present Replies contain additional information following the submission of the third periodic report of Latvia on the implementation of the 1966 International Covenant on Civil and Political Rights (the Covenant) in the Republic of Latvia during the period from 2004 until 2008 (the third periodic report).

2. The most up-to-date information, as well as statistical data requested by the Committee, will be provided to it during examination of the third periodic report at its 110th session on 12 and 13 March 2014.

Constitutional and legal framework within which the Covenant is implemented (art. 2)

Reply to the issues raised in paragraph 1 of the list of issues

3. Anyone alleging violation of his/her fundamental rights guaranteed by the Constitution of the Republic of Latvia or the Covenant may lodge a complaint with the domestic court of general jurisdiction, administrative court or the Constitutional Court.

* The present document is being issued without formal editing.
** Annexes to this report can be consulted in the files of the Secretariat.

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4. When lodging such a complaint with the national courts alleging violation of fundamental rights the applicants often refer to the relevant provisions of international legal acts, including the Covenant. Similarly, in their rulings the national courts often refer to the international legal provisions binding on Latvia and provide analysis of the domestic law in the light of these provisions.

5. During the period from 2009 until 2012 the Supreme Court has examined more than 40 cases with reference to the provisions of the Covenant. The Supreme Court refers to international legal acts, including the relevant provisions of the Covenant, as a part of legal reasoning of its decision or judgment.

6. As regards the judgments, for example, in 2010, the Department of Administrative Cases of the Supreme Court Senate referred to article 19 of the Covenant when examining the complaint brought in the context of freedom of expression;[1] article 18 of the Covenant has been analysed by the Supreme Court in a case pertaining to the protection of freedom of thought, conscience and religion.[2] In 2012, in a case related to the protection of private life, honour and dignity of an individual the Department of Administrative Cases of the Supreme Court expressly referred to article 17 of the Covenant;[3] article 21 of the Covenant was referred to and analysed by the Department of Administrative Cases of the Supreme Court Senate in a case involving the restrictions applicable to the right of assembly and freedom of thought.[4] In addition, it is worth mentioning that, for example, in case No. SKA-184/2012 the applicants expressly invoked article 17 of the Covenant and in its judgment of 9 July 2012 the Department of Administrative Cases of the Supreme Court Senate referred to and provided an analysis of the said provision.[5]

7. With respect to decisions adopted by the Department of Administrative Cases of the Supreme Court Senate, the Government notes that the provisions of the Covenant have been widely referred to in a variety of cases involving the complaints from detained persons. For example, in its decisions adopted in 2010 and 2012, article 10 of the Covenant was referred to in a case pertaining to the material conditions of the prison, the conditions of enforcement of a bodily search in prison, and in a case concerning the decision of the prison authorities to involve a detained person in the construction works carried out in the prison territory without considering his health condition. In the aforementioned cases the

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[1] Judgment of the Department of Administrative Cases of the Supreme Court Senate in case No. SKA-347/2010. Available in Latvian at the Supreme Court's website: at.gov.lv/lv/judikatura/judikaturas-nolemumu-arhivs/senata-administrativo-lietu-departaments/klasifikators-pec-lietu-kategorijam-ar-tezem/6/ (last viewed on 22 January 2014).

[2] Judgment of the Department of Administrative Cases of the Supreme Court Senate in case No. SKA-160-210. Available in Latvian at the Supreme Court's website: at.gov.lv/lv/judikatura/judikaturas-nolemumu-arhivs/senata-administrativo-lietu-departaments/klasifikators-pec-lietu-kategorijam-ar-tezem/6/ (last viewed on 22 January 2014).

[3] Judgment of the Department of Administrative Cases of the Supreme Court Senate in case No. SKA-505/2012. Available in Latvian at the Supreme Court's website: at.gov.lv/lv/judikatura/judikaturas-nolemumu-arhivs/senata-administrativo-lietu-departaments/klasifikators-pec-lietu-kategorijam-ar-tezem/6/ (last viewed on 22 January 2014).

[4] Judgment of the Department of Administrative Cases of the Supreme Court Senate in case No. SKA-309/2012. Available in Latvian at the Supreme Court's website: at.gov.lv/lv/judikatura/judikaturas-nolemumu-arhivs/senata-administrativo-lietu-departaments/klasifikators-pec-lietu-kategorijam-ar-tezem/6/ (last viewed on 22 January 2014).

[5] Judgment of the Department of Administrative Cases of the Supreme Court Senate in case No. SKA-184/2012. Available in Latvian at the Latvian courts' official website: www.tiesas.lv/files/AL/2012/07_2012/09_07_2012/AL_0907_AT_SKA-0184-2012.pdf / (last viewed on 22 January 2014).

Supreme Court applied legal reasoning which involved analysis of the requirements set out in the Covenant, and decided in favour of the applicant.

8. To reflect the case-law of the Department of Civil Cases of the Supreme Court Senate, it is worth mentioning that in case No. SKC-97/2012 of 18 April 2012 a plaintiff brought a defamation claim against public authorities and a private person, and sought compensation for pecuniary damage expressly invoking article 17 of the Covenant along with the relevant provisions of domestic law. In case No. SKA-578/2011 of 23 March 2011, when examining the claim pertaining to freedom of expression, the Department of Civil Cases of the Supreme Court Senate provided a thorough analysis of article 19 of the Covenant taken in conjunction with the relevant provisions of the Latvian Constitution and concluded that the restrictions applicable to the afore-said fundamental freedom must be interpreted in line with article 19 of the Covenant.

9. Finally, as it follows from the case-law of the Department of Criminal Cases of the Supreme Court Senate, defendants in criminal proceedings, as well as the court itself, often refer to the relevant provisions of the Covenant. For example, in case No. PAK-201/2010 of 4 March 2010 a defendant invoked inter alia article 14 of the Covenant as legal grounds for his appellate complaint against a previously adopted convicting judgment.

10. As regards the Constitutional Court, it should be noted that it applies the Covenant and the Committee's general comments in two interrelated ways.

11. Firstly, pursuant to the Law on Constitutional Court, the Constitutional Court examines the compliance of domestic legal provisions with the international agreements which are binding to Latvia. That is, the Constitutional Court examines the complaints *expressis verbis* alleging incompliance of the national legal norm (act) with the Covenant. The afore-said cases were mostly brought to the attention of the Constitutional Court at an early stage of its work. For example, in case No. 2000-03-01 the applicant challenged the compatibility of the various legal provisions that regulate national election procedure with article 25 of the Covenant, and by its judgment of 30 August 2000 the Constitutional Court declared some of the challenged provisions compatible inter alia with the aforementioned Covenant provision.

12. Case No. 2006-03-0106 concerned alleged incompatibility of certain provisions of the Law on Meetings, Marches and Piquet Lines with article 21 of the Covenant. In its judgment of 23 November 2006 the Constitutional Court declared the challenged provisions of the said law incompatible with the Constitution and article 21 of the Covenant and, subsequently, invalid.[6] In 2004 and 2005 the Constitutional Court rendered judgments in cases where the applicants, and later on the Constitutional Court itself, referred to and provided analysis of, articles 25, 26 and 27 of the Covenant.

13. Secondly, according to the well-established case-law of the Constitutional Court Article 89 of the Constitution, which provides that the State must recognize and protect fundamental human rights under the Constitution, laws and international agreements binding on Latvia, obliges the State to observe international human rights standards. It means that in considering the scope of the fundamental rights enshrined in the Constitution, regard must be had to the international human rights obligations which are binding on Latvia. For example, if certain human rights enshrined in the Covenant cover a particular situation, then this situation is usually covered also by the relevant Articles of the Constitution. In light of the afore-said, in its judgments the Constitutional Court usually

[6] Judgment of the Constitutional Court in case No.2006-03-0106. Available in English at the Constitutional Court's website: www.satv.tiesa.gov.lv/upload/judg_2006_03_0106.htm (last viewed on 30 January 2014).

examines the compatibility of the challenged national legal provisions with the Constitution, at the same time examining whether they are compatible with international human rights instruments, including the Covenant. From 2009 until 2012 there were seven judgments adopted by the Constitutional Court which contain explicit references to the relevant provisions of the Covenant used for interpreting the scope of the human rights provisions of the Constitution and where the Constitutional Court referred *expressis verbis* to the provisions of the Covenant, general comments to the articles of the Covenant, as well as legal opinions expressed in relation to these provisions.

14. For example, in its judgment of 18 October 2012 in case No. 2012-02-0106 the Constitutional Court provided an in-depth analysis of the right to a fair trial and its components in light of article 14 of the Covenant[7] and the legal opinion provided in the CCPR commentary (written by Manfred Nowak)[8]. When analysing the scope of justified restrictions to the right to access to court, in its judgment of 3 June 2009 in case 2008-43-0106 the Constitutional Court referred to Human Rights Committee general comment No. 13 (1984) on equality before the courts and the right to a fair and public hearing by an independent court established by law (art. 14).[9]

15. In addition, the Government finds it necessary to emphasize that the provisions of the Covenant are cited and referred to by the Constitutional Court in its decisions concerning admissibility of the case, namely, decisions on initiating the case or refusal to examine the case.

Reply to the issues raised in paragraph 2 of the list of issues

16. Referring to the information provided in the third periodic report, the Government recalls that the Ombudsman's Office is a national human rights institution, which operates in compliance with the United Nations principles relating to the status of national institutions for the protection and promotion of human rights (Paris principles). The Law on the Ombudsman acknowledges that the Ombudsman is independent and governed by rule of law. In comparison to the preceding Law on State Human Rights Office, the Ombudsman's competence to protect human rights and ensure implementation of the principle of good governance is broadened.

17. In accordance with the Law on the Ombudsman, the Ombudsman identifies legal deficiencies and contributes to their elimination before the Parliament and the Cabinet of Ministers. The Ombudsman examines claims brought by individuals, as well as provides recommendations and conclusions regarding the prevention of further human rights violations; consults State authorities on promotion of the rule of law, good governance and efficiency of actions; conducts studies and analyses the overall situation in the field of observance of human rights in Latvia, initiates examination proceedings based on individual claims; conducts monitoring visits to closed-type institutions, and may lodge a constitutional complaint with the Constitutional Court, and so forth.

18. In 2010-2013 the Ombudsman's Office lodged four constitutional complaints with the Constitutional Court. For example, on 22 June 2010 the Ombudsman lodged an

[7] Judgment of the Constitutional Court in case No.2012-02-0106. Available in English at the Constitutional Court's website: www.satv.tiesa.gov.lv/upload/spriedums_2012-02-0106_ENG.pdf (last viewed on 30 January 2014).

[8] Manfred Nowak, *UN Covenant on Civil and Political Rights. CCPR Commentary* (2nd rev. ed.). (Kehl am Rhein, Engel, 2005).

[9] Judgment of the Constitutional Court in case No.2008-43-0106. Available in English at the Constitutional Court's website: www.satv.tiesa.gov.lv/upload/judg_2008-43-0106.htm (last viewed on 30 January 2014).

application with the Constitutional Court requesting that the words "by a wall with a height not exceeding 1.2 meters" (concerning privacy for toilet facilities in the cell) of the Law on Procedure of Keeping Apprehended Persons and certain regulations (concerning premises in the State Police short-term detention facilities, the space in a cell and installations) be declared incompatible with the Constitution. By its judgment of 20 December 2010 in case No. 2010-44-01 the Constitutional Court declared the above-mentioned rules incompatible with the Constitution, at the same time that the short-term detention facilities be equipped in accordance with the legislative requirements by 1 January 2012.[10] On 12 May 2011 the Ombudsman's Office lodged a constitutional complaint alleging that the provisions of the Law on Social Protection of the participants of elimination of the consequences of and victims of the accident at Chernobyl Power Station are incompatible with the Constitution. Although the Constitutional Court refused to examine the said complaint, it has expressly pointed out that having received the Ombudsman's proposals regarding the need for amendments to the relevant legal acts, the Parliament must assess such amendments on the merits, or must properly substantiate the refusal to do so.

19. The individual complaints received by the Ombudsman s Office during the reporting period covered a number of issues (see annex 1). Considerable number of complaints alleged violation of the prohibition of inhuman and degrading treatment due to inadequate living conditions in Latvian prisons and the short-term detention facilities of the State Police, inadequate provision and quality of health care services in places of deprivation of liberty. In response to complaints the Ombudsman usually conducts monitoring visits to Latvian prisons and short-term detention facilities in order to obtain comprehensive information about the living conditions. Following the results of the visits, the Ombudsman provides recommendations to State authorities on the elimination of the deficiencies revealed during these visits.

20. Other complaints lodged with the Ombudsman's Office focus on various aspects of civil and political rights of an individual, including the right to access to a court, examination of a case in a national court within reasonable time, examination of evidence, due substantiation of court rulings, and enforcement of judgments. The complaints also cover such issues as alleged violation of private life involving unlawful video surveillance and processing of personal data. Furthermore, during the period from 2009 until 2012 complaints alleging discrimination of Roma people were brought to the Ombudsman's attention.

21. In 2013, the Ombudsman Office also addressed the issues of the rights of prisoners and the necessity of individual risks assessment and development of a plan for prisoners' re-socialization. The Ombudsman likewise continued to pay particular attention to individual complaints alleging unlawful involuntary placement in psychiatric hospital. In response to such complaints the Ombudsman continues regular monitoring visits to the State social health care institutions. For example, in 2013, a report on systemic shortcomings observed in the St te social care institutions has been presented to the Parliament and the Ministry of Welfare containing a number of recommendations.[11]

22. In 2009, EUR 1,286,002 was granted from the State budget to fund the work of the Ombudsman's Office. Due to the negative consequences of the economic crisis in 2010 the funding was reduced to EUR 794,355 and to EUR 816,191 in 2011. In 2012, however, the

[10] Judgment of the Constitutional Court in case No. 2010-44-01. Available in English at the Constitutional Court's website: www.satv.tiesa.gov.lv/upload/Judgment per cent202010-44-01.htm (last viewed on 30 January 2014).

[11] For further information refer to the Ombudsman's annual reports available at the Ombudsman's website: www.tiesibsargs.lv.

State funding increased to EUR 1,005,318; in 2013 it was EUR 998,079. In 2014, it is expected that the State will increase its funding up to EUR 1,157,884 in order to ensure proper functioning of the Office.

23. As regards the number of employees, in 2009, 41 persons were employed in the Ombudsman's Office. In 2010-2011 the number of employees was reduced to 39, whereas in 2012-2013 the number of professionals employed by the Office was increased to 42. In 2014 it is planned to employ 44 professionals in total.

24. The Ombudsman's Office is currently drafting the accreditation application and other required documents necessary for lodging with the International Coordinating Committee of National Human Rights Institutions in order to start an accreditation process and expects to submit the full set of accreditation documents in 2014.

Non-discrimination and status of non-citizens, including naturalization process (arts. 2 (para. 1), 24 and 26)

Reply to the issues raised in paragraph 3 of the list of issues

25. Annex 2 contains data on the population of Latvia as of 1 January 2013, disaggregated by ethnicity and nationality.

26. The analysis of statistical data about the proportion of non-citizens towards the total population number during the time period from 2008 to 2013, shows that as a result of the implementation the citizenship policy, the proportion of Latvian citizens in 2008 has increased from 81.6 per cent to 83.5 per cent, while the proportion of Latvian non-citizens has decreased from 16.4 per cent in 2008 to 13.5 per cent in 2013 (for further statistical information see annex 2).

27. On 1 October 2013 the amendments to the Citizenship Law were adopted which specify the procedure on granting citizenship to a child born after 21 August 1991 to a non-citizen or a stateless person. The new regulation provides that a child who was born after 21 August 1991 must be recognized as a Latvian citizen at the time when the child's birth is registered, if at least one parent wishes so. This means that parents have to choose their child's citizenship when the child's birth is registered; hence, parents will not be able to bypass this requirement, as often happened in the past. The amendments also specified that a child under 15 years of age who was born to non-citizens or stateless persons and who has not been recognized as a Latvian citizen along with the registration of his/her birth, might be recognized as a Latvian citizen, based on the application lodged by one parent, instead of both parents, as was provided earlier. Following these amendments, the Cabinet of Ministers adopted various regulations concerning practical aspects of the naturalization process.[12]

28. Referring to the Committee's concern as regards the reasons for the gradual decrease in applications for registration of a child as a Latvian citizen in 2004-2007, the Government informs that those parents who decided that their child should be granted Latvian citizenship applied for such registration immediately after the child was born. Surveys

[12] For example, Regulation No. 973 "On tests of the Latvian language proficiency, and on basic provisions of the Constitution of the Republic of Latvia, the text of the national anthem and the knowledge of the history and culture of Latvia required by Citizenship Law" of the Cabinet of Ministers adopted on 24 September 2013; Regulation No. 1001 "The procedure of submission and examination of application for recognition of a child as a citizen of Latvia" of the Cabinet of Ministers adopted on 24 September 2013 "The procedure of submission and examination of application for recognition of a child as a citizen of Latvia".

indicate that a number of parents leave it for their children to choose whether to proceed on acquiring Latvian citizenship after they have reached 15 years of age. In 2009 the number of applications was 419; that shows the overall increase of the number of children recognized as Latvian citizens at the time when the child's birth is registered.

29. With the aim of clarifying the attitude of Latvian non-citizens towards the naturalization process, in 2011 the Naturalization Board (now the Office of Migration and Citizenship Affairs, OCMA) conducted a quantitative study on views of non-citizens on the acquisition of citizenship, and in 2012 a quantitative study on the factors contributing to the acquisition of Latvian citizenship. The questionnaire was distributed to more than 4,900 non-citizens – both those who are naturalized and those who would still like to maintain their non-citizen status. As the results of studies show, the non-citizens maintain an expectant attitude towards Latvian citizenship, as almost 25 per cent of respondents believe that citizenship must be granted automatically, whereas 17 per cent of respondents expect the naturalization procedure to become less stringent. In 2013 the OCMA organized qualitative research concerning the views of third-country nationals and Latvian non-citizens on Latvian citizenship and the reasons that support or hinder its acquisition. The study revealed the views on the use of the Latvian language, the Latvian language environment, quality and sufficiency of information regarding the Latvian citizenship and naturalization exam questions, as well as the respondents' perceptions of training needs while preparing for the naturalization exam.

30. In 2013, in order to improve access to information concerning the acquisition of Latvian citizenship, the OCMA organized information days in various Latvian cities for third-country nationals and non-citizens concerning the opportunities to acquire the Latvian citizenship, as well as about the naturalization process as a whole. The quality of information days was considerably improved in comparison with the previous reporting period, namely, necessary technical equipment was ensured, and information materials were prepared and adapted so as to make them more understandable to persons with limited fluency in the Latvian language.

31. In 2013 a brochure "The road to Latvian citizenship" was published and is available in three languages – Latvian, English and Russian. The new OCMA web page related to naturalization issues has become more reader-friendly and easy to use. It provides all the necessary information for those interested in acquiring Latvian citizenship. Moreover, the web page offers a new e-service – a guide for those willing to acquire Latvian citizenship. This e-service allows any person, regardless of his/her location and time, to learn about their possibilities to become a Latvian citizen, as well as to learn about the naturalization procedure. The service is available in three languages.

32. As concerns the Committee's question related to impact of the requirement to communicate in Latvian with public authorities, the Government recalls that the necessary information is found in paragraphs 551-562 of the third periodic report.

33. Referring to the Committee's question concerning the employment issues, the Government wishes to underline that non-citizens have full access to the labour market and employment, and the few exceptions are narrowly defined and, in line with international practice, only concern the public positions related to national security and judicial system. Thus, for example, the position of a sworn advocate, a public notary, or a court bailiff requires Latvian citizenship, the same as the post of the captain of an aircraft and ship.

Non-discrimination and equal rights of men and women (arts. 2(1), 3, 26)

Reply to the issues raised in paragraph 4 of the list of issues

34. The Labour Law, which entered into force on 1 June 2002, guarantees equal treatment and prohibits differential treatment.

35. During the reporting period a number of public campaigns have been organized by non-governmental organizations (NGOs) with the assistance of State authorities. For instance, in March 2013 the Ministry of Welfare organized a discussion with representatives of different industries, trade unions, human resources professionals, career consultants, lawyers, as well as representatives of the Supreme Court, in order to identify causes of gender pay gap, to analyse the fields where the pay gap is the widest, and to identify appropriate solutions to remedy the situation.

36. At the same time, it should be noted that in 2012, 57 per cent of the registered unemployed persons were women, and 43 per cent men. Statistical data show that as regards remuneration, the gender pay gap remains constant over the last decade, that is, women tend to earn on average 13-17 per cent less than men.

37. The State Labour Inspectorate annually receives complaints about alleged violations of equal treatment in employment relations. In 2009 there were 38, and in 2010, 31, complaints lodged with the State Labour Inspectorate alleging inter alia violations of prohibition of gender-based discrimination at the workplace. During 2009-2012 the State Labour Inspectorate received 148 complaints in total alleging various violations of national labour regulation. 18 complaints alleged gender-based discrimination and failure to comply with the principle of equal treatment. The State Labour Inspectorate found violations and imposed administrative penalties in all 18 above-said cases.

38. The Ombudsman regularly receives complaints alleging violations of the prohibition of discrimination based on gender. The complaints related to unequal treatment towards employed pregnant and/or breastfeeding women or women during the post-natal period reveal cases of direct discrimination based on gender. During 2009-2012 the Ombudsman received 27 complaints and provided 36 consultations concerning cases alleging discrimination based on gender. During 2011-2012 the Ombudsman received 186 complaints in total, alleging discrimination based on age, gender, nationality and other grounds.

Reply to the issues raised in paragraph 5 of the list of issues

39. The Ministry of Welfare is the State authority directly responsible for the coordination of gender equality issues. Two Ministry employees are specifically assigned to carry out duties related to the development of gender equality policy. The European Union funds and foreign financial i ;struments provide funding for the activities implemented with the aim of reducing gender inequality.

40. Further steps are taken in order to strengthen national mechanisms for gender equality. On 17 January 2012, the Cabinet of Ministers adopted the Gender Equality Action Plan 2012-2014, which is the third policy planning document that provides for a variety of measures aimed at reducing gender inequality. This plan stipulates four main areas of action, namely, to reduce gender stereotyping, to promote a healthy and eco-friendly lifestyle for men and women, to promote economic independence and equal opportunities in the labour market among men and women, and to monitor the implementation of gender equality policy.

41. In 2010 the Gender Equality Committee was established under the auspices of the Ministry of Welfare. It consists of professionals representing different ministries,[13] as well as NGOs working with gender equality issues and other social partners (for example, the Nordic Council of Ministers' Office in Latvia). The main task of the Gender Equality Committee is to set up the priorities for the State gender equality policy.

42. In order to ensure more effective implementation of the gender mainstreaming policy in the public sector, each Ministry has designated an official responsible for including gender equality issues in the sectoral policy. The Ministry of Welfare regularly informs the responsible officials on the latest developments in the field of gender equality, as well as conducts trainings on gender mainstreaming in various sectors.

43. According to the information provided by the Ministry of Welfare, as of 2013 the percentage of women on the top-level boards of the largest publicly listed companies in Latvia stands at 29 per cent, which is the second best ratio in the European Union.

Reply to the issues raised in paragraph 6 of the list of issues

44. Article 91 of the Constitution provides that all persons are equal before the law and the courts. As previously mentioned in the third periodic report (see paragraphs 55-56 of the third periodic report), the prohibition of discrimination in the Latvian legal system is also established on the basis of the European Union *acquis communautaire*, as well as other international legal acts binding on Latvia. The prohibition of discrimination based on gender identity is included in an array of legal acts related to employment, social welfare, consumer protection, and so forth. Furthermore, a number of procedural laws, such as the Criminal Procedure Law, the Latvian Code of Administrative Offences, the Law on Judicial Power and the Administrative Procedure Law enshrine the principle of equal treatment of persons. The list of prohibited grounds for discrimination provided in the said legal acts is extensive and includes the prohibition of discrimination based on gender identity.

45. During the reporting period, new national legal acts entered into force prohibiting discrimination on the grounds of gender identity and sexual orientation. For example, the provisions of the Electronic Media Law (adopted by the parliament on 12 July 2010 and entered into force on 11 August 2010) states that audio and audio-visual commercial communications must not incite hatred and encourage discrimination against any individual or group based on gender or sexual orientation. The provision of the Law on Prohibition of Discrimination of Natural Persons who are Engaged in Economic Activities (adopted by the Parliament on 29 November 2012, entered into force on 2 January 2013) provides that differential treatment based on gender or sexual orientation toward a natural person who is engaged in economic activities is prohibited. The provisions of the Law on Extrajudicial Recovery of a Debt (adopted by the Parliament on 8 November 2012, entered into force on 11 December 2012) envisages that in communication with a debtor it is prohibited to use aggressive forms of communication which violate the prohibition of discrimination on the grounds of gender identity or sexual orientation.

46. Article 204[17] of the Latvian Code on Administrative Offences provides that the violation of prohibition of discrimination is punishable by a fine of from EUR 140 to EUR 700. In its turn, Article 149[1] of the Criminal Law provides that discrimination on racial or ethnic grounds or other forms of discrimination if it resulted in significant damage, or if it involves violence or threats, or if committed by a group of persons or a public official, or by a responsible employee of a company or organization, or if it is committed by

[13] Ministry of Economics, Ministry of Education and Science, Ministry of Defense, Ministry of Justice, Ministry of Health, Ministry of Environmental Protection and Regional Development, Ministry of Foreign Affairs.

using an automated data processing system, is punished by imprisonment for a term not exceeding one year or with a short-term deprivation of liberty, or community service, or a fine.

47. It must be also emphasized that in case of discrimination a person concerned may lodge a civil claim with the national court alleging violation of the prohibition of discrimination and claiming compensation for non-pecuniary damage. A person may also lodge a complaint with the Ombudsman's Office. It should be noted that in certain cases of alleged discrimination certain legal provisions stipulate that the burden of proof shifts from a claimant to a defendant. For example, according to a provision of the Consumer Protection Law, if a dispute arises, the consumer must identify factors that might constitute the basis of his/her direct or indirect discrimination based on gender, disability, race or ethnic origin, and a seller or service provider must prove that the prohibition of differential treatment is not violated.

48. According to the Guidelines on National Identity, Civil Society and Integration Policy 2012-2018 which were adopted by the Cabinet of Ministers in 2011, several activities aimed at combating discrimination on various grounds, including sexual orientation, are implemented. During 2012-2013 the Ministry of Culture participated in the implementation of the project Combating discrimination on grounds of sexual orientation and gender identity, launched by the Council of Europe. Within the framework of the said project more than 20 activities focusing on lesbian, gay, bisexual and transgender (LGBT) and human rights issues have been carried out. To name but a few, the review of the legal framework in the field of anti-discrimination policy, hate crimes and legal recognition of gender identity was initiated and further submitted to the Council of Europe; trainings for law enforcement officers on tracing and investigating hate crimes in Latvia were organized, as well as the seminar on media coverage of LGBT issues and public discussion on human rights issues were conducted.

49. In order to promote tolerance and equality, and to improve diversity management, as well as to raise the awareness and knowledge of the general public on anti-discrimination issues and to improve the monitoring system for policy implementation, the project "Different people. Various experiences. One Latvia" was launched in 2013. Various activities are carried out under the said project, such as a comparative analysis of European Union Member States' national court case-law on discrimination and evidence methodology and its implementation in Latvia; development of the monitoring system on effective implementation of anti-discrimination laws and policies; organization of the training programme for public officials, NGOs and the mass media in order to raise capacity and knowledge on the said issues, as well as awareness raising activities targeted at the general public.

Violence against women, including domestic violence, trafficking in persons, prohibition of slavery and servitude, and equality before the law (arts. 3, 7, 8, 24 and 26)

Reply to the issues raised in paragraph 7 of the list of issues

50. During the reporting period various amendments have been introduced to the national law aimed at combating human trafficking. For example, on 13 December 2012 amendments to the Criminal Law were adopted (entered into force on 1 April 2013) introducing a new Article 2852, which provides for a criminal penalty for abuse of the right to obtain residence in the Republic of Latvia, other European Union Member States, a Member State of the European Economic Zone or the Swiss Confederation. In that regard, it is necessary to note that the State Police have initiated five criminal proceedings

regarding "marriages of conveniences". It was established that these marriages had been concluded between a European Union citizen and a national of the third country with the sole purpose of obtaining a residence permit in the European Union.

51. On 14 January 2014 the Cabinet of Ministers adopted the policy document Guidelines for the Prevention of Human Trafficking 2014-2020, aimed at preventing and combating human trafficking, protecting and assisting victims of the trafficking, and promoting cross-sectoral cooperation to achieve this goal.

52. According to the information provided by the State Police in 2013 the following criminal proceedings were initiated:

- Pursuant to Article 154[1] (human trafficking) of the Criminal Law, five criminal proceedings were initiated, of which two relate to sexual exploitation and three to marriage of convenience. Six persons (five men and one woman) are declared suspects. Six persons (one under-age woman and five adult women) are recognized as victims;
- Pursuant to Article 165 (controlling prostitution for gain) of the Criminal Law, 12 criminal proceedings were initiated. 45 persons (14 men and 31 women) are declared suspects;
- Pursuant to Article 165[1] (sending a person for sexual exploitation) 8 criminal proceedings were initiated, and 12 persons (eight men and four women) are declared suspects.

53. In 2013 the State Police continued to investigate 32 criminal proceedings initiated in previous years, namely, four criminal proceedings pursuant to Article 1541 of the Criminal Law, 3 – pursuant to Article 165 and 24 – pursuant to Article 1651 of the Criminal Law (for additional statistical data see annex 3).

54. The Immigration Service of the State Border Guard controls the entry of foreigners and identifies possible victims of human trafficking. The State Border Guard officers regularly patrol the airport, sea ports, railway stations and bus terminals, as well as provide immigration control of international bus passengers and inspection on transit routes. In its turn, the State Police controls persons involved in prostitution and verifies their identity. A number of measures are taken in order to combat illegal movement of persons across the State border. One of the main objectives of these measures is to prevent and detect the creation of new channels used for human trafficking.

55. Important steps have been taken to improve the identification of victims of human trafficking. For example, the State Police use the methodological guidelines for identifying cases related to prostitution, souteneurism and human trafficking and recommendations on how human trafficking and souteneurism cases are to be investigated. These materials contain a set of measures to identify perpetrators, define vulnerable groups which may become subjected to human trafficking, as well as provide guidelines as to how the police officer must react when relevant information from a victim or potential victim of human trafficking is received in Latvia or abroad. As a result of applying the aforesaid measures, in 2013 the State Police has identified six victims of human trafficking, as well as detected 26 cases of the risk of human trafficking.

56. The State Border Guard uses on a regular basis the handbook published by the FRONTEX Agency, which contains information on how to identify victims of human trafficking during border checks, methodological recommendation on how to identify potential victims of human trafficking, traffickers and supporters, which interview techniques are to be applied, and so forth. This handbook also contains specific recommendations on how to work with minors who are victims of human trafficking.

57. In addition, the State Police, the State Labour Inspection, the State Border Guard and the Municipal Police implement the guidelines on the identification of human trafficking for the purpose of labour exploitation. These guidelines are also available to NGOs which have been granted the right to provide services for victims of human trafficking in order to be able to detect such cases and victims of human trafficking, as well as to take the necessary measures for holding perpetrators liable.

58. In 2013 the Ministry of Interior widely disseminated guidelines drafted by the European Union on how to identify victims of human trafficking. The document is available to the consular officials of the Ministry of Foreign Affairs, the State Border Guard officers, and may be used by any other Latvian competent authority and NGOs. The Latvian diplomatic and consular officials in their daily work also use the handbook on how to assist and protect victims of human trafficking elaborated by the Council of the Baltic Sea States Task Force against Trafficking in Human Beings.

59. The State Police and the State Border Guard inform victims of human trafficking about their rights to receive State funded social rehabilitation services and compensation.

60. By transposing the requirements of EU Directive 2011/36/EU on preventing and combating human trafficking and protecting its victims, the national mechanisms of support, rehabilitation, protection and redress available for victims of human trafficking in Latvia were improved. In particular, the content of the State funded social rehabilitation services has been expanded as the said Directive enshrines an obligation to provide assistance and support to the victims of human trafficking before, during and after criminal proceedings.

61. Annex 3 contains information about the victims of human trafficking who have received State-funded social rehabilitation services that are offered by a legal entity chosen through public procurement procedure. As these services are voluntary, the statistical data provided in annex 3 do not include all victims of human trafficking. The statistical data also reveal that it is mostly young women who become victims of human trafficking – during the last four years 67 victims in total have received the State funded social rehabilitation services, and almost 60 per cent of them are young women. The unofficial statistics show that most often victims of human trafficking are members of social groups affected by unemployment and lack of education.

62. Furthermore, the State funded social rehabilitation services are provided to all victims irrespective of the fact of whether the criminal proceedings have already been initiated and whether a victim has agreed to participate as a witness or a victim in the criminal proceedings.

Reply to the issues raised in paragraph 8 of the list of issues

63. Statistical data reveal that on average approximately 80 per cent of all officially recorded child abuse cases and 40 per cent of women abuse cases occur in the family. According to the national courts' statistics, during 2010-2012 at least 16 women were killed and at least 60 were seriously injured as a result of domestic violence. The State Police receives approximately 13 calls per day alleging family violence. However, up to 97 per cent of these cases do not result in criminal proceedings due to the lack of *corpus delicti*.

64. The Government wishes to emphasize that in cases of domestic violence perpetrators may be held criminally liable for a variety of crimes defined by the Criminal Law. Taking into account the type of criminal offence, damage caused, as well as other features, criminal proceedings may be initiated regarding serious, medium and light intentional bodily injuries incurred to a victim.

65. Moreover, on 21 October 2010 amendments to the Criminal Law were adopted which supplemented Article 48 (aggravating circumstances) with a new paragraph. The new paragraph provides that an aggravating circumstance of any crime envisaged by the Criminal Law is violence or threat of violence which was committed against a spouse or a relative of the perpetrator. The said aggravating circumstance reinforces the criminal liability for domestic violence in all cases of violent crimes, be it a bodily injury, rape, human trafficking or other.

66. On 29 November 2012 the amendments to the Civil Law were introduced (entered into force on 1 January 2013) recognizing that emotional, psychological, sexual or economic abuse against a spouse or a child are sufficient legal grounds for dissolution of a marriage without observing the mandatory reconciliation period provided by law.

67. The Government notes that in 2014 it is planned to introduce new legal instruments aimed at ensuring the safety of a victim of violence or stalking. In particular, the victim will be able to lodge a civil claim with the court requesting the authorities to take appropriate protection measures against the perpetrator (a civil protection order). Such measures will include, for example, the prohibition for a perpetrator to approach or communicate with a victim, to approach, return to or stay in housing which is a permanent residence of a victim, and so forth.

68. Pursuant to the transition provisions of the Law on Social Services and Social Assistance, the State-funded rehabilitation services for adults who are victims of violence, as well as for perpetrators, both minors and adults, must be provided as of 1 January 2015.

69. Given that Latvia is a country of origin of the victims of human trafficking, the competent Latvian authorities have no practical experience in granting a reflection period to victims of human trafficking. According to the Immigration Law, if a non-European Union citizen has been identified as a victim of human trafficking, he/she together with his/her accompanied minors are entitled to reside in Latvia without a visa or residence permit until the expiration or termination of a reflection period, or until a decision granting a temporary residence permit comes into force. According to the information provided by the State Police, during the reporting period no victims from third countries have been exploited in Latvia.

70. For detailed information concerning the investigation, prosecution, conviction and sentences for perpetrators of criminal offences envisaged in Articles 154, 165 and 1651 of the Criminal Law see annex 3.

Reply to the issues raised in paragraph 9 of the list of issues

71. The Government recalls information provided in paragraphs 62-66 of the Replies and additionally submits that in connection with domestic violence, criminal proceedings on rape may be initiated. The Criminal Law does not recognize a marital rape as a separate criminal offence, but an aggravating circumstance as provided by Article 48 of the Criminal Law may be applicable (see paragraph 64 above).

Reply to the issues raised in paragraph 10 of the list of issues

72. The Government recalls information provided in paragraphs 52-53 of the Replies as concerns the legislative framework and administrative measures which are taken with respect to control and prevention of prostitution.

73. However, it is necessary to emphasize that on 19 November 2013 the Cabinet of Ministers adopted Guidelines on the Development of Social Services in 2014-2020. In accordance with the said guidelines, social rehabilitation services for women involved in prostitution are to be provided as of 1 January 2017.

The right to life and accountability (art. 6)

Reply to the issues raised in paragraph 11 of the list of issues

74. The Government wishes to underline that all instances of death that occurred in the law enforcement institutions, psychiatric institutions and during military service are duly and systematically investigated.

75. As it has been mentioned in paragraph 154 of the third periodic report, whenever a person dies in a psychiatric institution, a special commission is established in the hospital concerned consisting of medical personnel and members of hospital administration. The medical practitioner who provided medical treatment to the deceased patient may not be included in such commission.

76. As regards the situation in the military service, pursuant to the Military Police records, during the reporting period there were no instances of death in the military service.

77. For statistical data on the instances of death in the law enforcement institutions and in psycho-neurological institutions see annex 4.

Prohibition of torture and cruel, inhuman or degrading treatment or punishment, and fight against impunity (arts. 2, 7, 9, 13)

Reply to the issues raised in paragraph 12 of the list of issues

78. Acts of torture are criminalised in Latvia and included in a number of the Criminal Law provisions related to war crimes (Article 74), intentional serious (Article 125), medium (Article 126) and light (Article 130) bodily injury, as well as in articles related to violence against a subordinate in military service (Article 338) and battering and torture of a military soldier (Article 340). On 1 July 2009 the amendments to the Criminal Law entered into force introducing a new Article 712, which prescribes criminal liability for crimes against humanity, including torture.

79. Additionally, acts of torture, as an element of *corpus delicti*, have been incorporated in numerous crimes under the Criminal Law. In that respect, on 23 December 2009 the following amendments to the Criminal Law were adopted:

- Article 272[1] (compelling to produce a false explanation, opinion or translation to a parliamentary investigation commission) provides that if such act (either bribing or other unlawful means of influence) is associated with torture, it is punished by deprivation of liberty for a term not exceeding eight years;
- Article 294 (compelling to testify) provides that "the compelling to testify at an interrogation, if committed by the official in charge of pre-trial investigation and is associated with torture" soda ar brîvîbas atòemðanu uz laiku lîdz desmit gadiem "is punished by deprivation of liberty for a term not exceeding 10 years";
- Article 301 (compelling to produce a false explanation, opinion or translation) provides that if such act (either bribing or other unlawful means of influence) is associated with torture, it is punished by deprivation of liberty for a term not exceeding 10 years;
- Article 317 (exceeding official authority) provides that exceeding official authority, if it is associated with torture, if substantial damage is caused to State authority, public order or person's rights and legitimate interests protected by law is punished by deprivation of liberty for a term not exceeding 10 years.

80. On 23 December 2009 amendments to the Law on "Entry into force and implementation of the Criminal Law" introduced a new Article 241 which defines the crime of torture. Namely, under Article 241 an offence of torture means any intentional repeated or continuous act or omission which inflicts serious pain or suffering, whether physical or mental, on a person; or any intentional single act or omission, which inflicts serious pain or suffering, whether physical or mental, on a person for the purpose of affecting the person's consciousness and will.

81. Statistical data regarding the number of complaints brought to the State Police and the Prison Authority alleging violence, as well as the number of investigations and their outcomes is contained in annex 5. For the information regarding rehabilitation services for victims of torture, see paragraph 67 above. According to the information provided by the Prison Authority, during the reporting period no disciplinary cases have been initiated on alleged violence committed by the Prison Authority officials.

82. In order to prevent ill-treatment of persons by the State Police officials, trainings and professional development courses take place on a regular basis. In 2011, 48 officials participated in the professional development course focused on observance of human rights in the work of the State Police; in 2012 the number of participants increased to 198. In 2011 93 officials and in 2012 68 officials attended the training course on psychological features of the questioning of a victim.

83. In addition, in 2011, 23 officials attended the training course which focused on tolerance promotion and the elimination of discrimination in the work of the State Police. 17 officials participated in the training aimed at improving professional ethics and communication at the State Police. In 2012 and 2013 the training pertaining to general rules and tactics for entry into premises and apprehension of suspects was organized; each year there were 23 officials participating in these training courses. Moreover, in 2013, 90 officials attended a study course on protection of the rights of the child; 55 officials participated in the second part of the same study course, which also took place in 2013.

84. In 2013 the State Police College adopted a number of professional development programmes which include subjects specifically related to the prohibition of torture and cruel, degrading and inhuman treatment. For example, the study programme "Responsibility of the State Police officials for the violations of the rights when performing duties for ensuring public order during apprehension and escort of persons" covers such topics as the prohibition of torture and degrading treatment; responsibility for non-observance of professional ethics; the right to use physical force and special means. In total, 20 officials participated in the said study programme. The professional development programme "The legal aspects of apprehension, bodily search of persons and inspection of property" includes the topics related to the legal grounds for apprehension of a person. In total, 40 officials were educated under the said programme.

85. During 2012-2013 the State Police College in cooperation with the Ombudsman's Office organized 11 trainings for State Police officials serving duty in the territorial departments throughout Latvia. The said trainings focused on the issue of observance of human rights in the work of the State Police. In total, 194 officials participated in the said trainings.

Reply to the issues raised in paragraph 13 of the list of issues

86. On 30 July 2013 the Cabinet of Ministers adopted the Concept Paper concerning the review of functions and activity of the Internal Security Office of the State Police (ISO SP) and the Prison Authority, aimed at strengthening the institutional independence of both institutions.

87. The said Concept Paper envisages the establishment of a new institution under direct supervision of the Minister of Interior. It is planned that this newly established institution will carry out pre-trial investigations related to all criminal offences allegedly committed by officials of the State Police, State Border Guard, as well as criminal offences of alleged ill-treatment or violence committed by the officials of the Prison Authority, the Municipal Police, and the Port Police. The State budget includes funds for the newly established office to be operational at the end of 2015. It is planned that approximately 120 employees will be employed in the said office.

88. During the reporting period the Office of the Prosecutor General issued a number of internal orders aimed at ensuring effective and timely supervision of the criminal proceedings investigated by the ISO SP. By the order of 23 February 2011 adopted by the Prosecutor General concerning the supervision performed by the Department of Supervision of the Pre-Trial Investigations of the criminal proceedings investigated by the ISO SP, the responsible prosecutors of the said Department have a duty to organize a discussion about the investigation procedure and further actions related thereto, if the respective investigation has not been accomplished within nine months upon the initiation of the criminal proceedings. During the course of the discussion the respective prosecutor hears reports presented by a higher-rank prosecutor, a chief prosecutor, an investigator or his/her direct supervisor about the causes of delay and further procedural actions taken to advance the investigation at issue.

89. Furthermore, by the order of 22 March 2012 adopted by the Prosecutor General, the Department of Supervision of the Pre-Trial Investigations of the Office of the Prosecutor General is responsible for the supervision of the criminal proceedings investigated by the ISO SP, if, due to certain causes, it is not possible within 24 hours to appoint a chief prosecutor, or prior supervision has proved to be ineffective. At the same time, the said order stipulates that the Department of Supervision of the Pre-Trial Investigations constantly performs control over the lawfulness of the decisions adopted by the ISO SP on the refusal to initiate criminal proceedings.

90. In accordance with the information submitted by the Office of the Prosecutor General, from 1 January 2011 until 1 July 2013, the responsible prosecutor quashed 10 decisions adopted by the ISO SP on the refusal to initiate criminal proceedings. Namely, in 2011, four decisions were quashed, out of which two relate to alleged violence committed by a State official; in 2012, five decisions were quashed, out of which one concerns alleged unlawful actions of the escort officer; in 2013 – one decision was quashed which concerns alleged violence committed by the State Police official during apprehension of a person. The criminal proceedings initiated in 2011 were terminated due to the absence of *corpus delicti*; the criminal proceedings initiated in 2012 were sent for further criminal prosecution, whereas the investigation under the criminal proceedings initiated in 2013 is still pending.

91. Currently the following institutions are involved in the investigations of the alleged ill-treatment committed by prison staff (1) chief inspectors (chief investigators) of the Prison Authority under direct supervision of the Head of the Prison Authority; (2) the Specialized Multi-Branch Prosecutor Office; (3) district (city) prosecutor office; (4) Organized Crime and Other Branch Specialized Prosecutor Office; (5) regional court prosecutor offices; (6) the Department of Supervision of the Pre-Trial Investigations of the Office of the Prosecutor General. Furthermore, the Ombudsman's Office regularly examines individual complaints alleging ill-treatment or violence committed by prison officials (see annex 1).

Reply to the issues raised in paragraph 14 of the list of issues

92. In addition to the information contained in paragraphs 251-254 of the third periodic report, the Government recalls that on 8 November 2007 significant amendments to the Law on Medical Treatment were adopted in order to clarify the criteria for the admission to psychiatric hospital and improve the overall quality of psychiatric treatment. These amendments entered into force on 1 January 2008.

93. In accordance with the Law on Medical Treatment psychiatric treatment is provided to a patient upon his/her consent, that is, a person subjects himself/herself to such treatment voluntarily. According to the Law on Medical Treatment a patient may be admitted to a psychiatric medical treatment institution with his/her written permission on the basis of a duly established mental disorder and a reasoned decision adopted by a psychiatrist pertaining to objective necessity to provide a person with in-patient psychiatric treatment. The consent of the patient for admission must always be annexed to the medical documents. At the same time, the Law contains an exhaustive list of cases and specific procedure when a patient's hospitalisation is permitted without his/her consent (for details see paragraph 249 of the third periodic report).

94. As regards the procedure of involuntary hospitalisation and review of the adopted procedural decisions, according to the Law on Medical Treatment the council of experts-psychiatrists examines the person within 72 hours upon the person's involuntary hospitalisation, adopts a decision and informs the court of this decision within 24 hours. Within the next 72 hours a judge reviews the submitted case-file, hears an expert-psychiatrist, a prosecutor and the patient himself/herself (if possible) and adopts the respective decision. A patient has the right to challenge the court's decision within 10 days upon the notification of the respective decision.

95. The amendments to the Law on Medical Treatment of 8 November 2007 have terminated the procedure under which the medical institution was obliged to transport the patient to the judge. As of 2008, the case-file related to the psychiatric medical treatment is reviewed by the court at a closed session, which is held in the medical institution where the person concerned is placed.

96. Furthermore, the said amendments to the Law on Medical Treatment Law specify that legal assistance is provided to the patient in case of involuntary psychiatric treatment. The legal assistance is rendered by a legal counsel appointed by the Latvian Bar Association. The medical institution informs poor or low-income patients about the possibility to lodge an application with the Legal Aid Administration in order to receive State ensured legal aid.

97. The Law on Medical Treatment provides that a patient who is placed in a psychiatric medical institution under Article 68 of the Law is ensured with the rights and legal safeguards provided by national law, except for those which are limited due to psychiatric treatment undergone by a patient. A patient is informed about his/her rights immediately after being placed in a psychiatric hospital.

98. As a part of the inalienable rights, a patient may at any time lodge a complaint with the Health Inspectorate, which is established with the aim to examine complaints related to the lawfulness of medical treatment at issue. The decision of the Health Inspectorate may then be challenged in an administrative court. Alternatively, a person may lodge a complaint with the Latvian Doctors' Association with the aim to report alleged violations of the medical treatment procedure. Patients are also using their rights to lodge a complaint with the Ombudsman.

99. It should be pointed out that the number of beds in in-patient psychiatric wards is still reducing, and reached 495 in 2013 instead of 620 beds in 2007. Only persons with the

most serious psychiatric disorders are hospitalised, and only persons with acute, serious symptoms combined with agitation or aggression caused by their psychiatric status are treated in in-patient facilities. The average duration of the treatment for these persons is 23 days. Persons with light psychiatric disorders, for example, persons with learning disability are treated in out-patient departments with day-care hospital, if necessary. In every psychiatric institution of Latvia there is a special in-patient section for "light" or borderline patients for crisis intervention connected with, for example, suicide risk.

100. After the treatment in acute in-patient wards has been completed, the patients usually return to their places of residence together with their families for further treatment in out-patient wards, including day-care rehabilitation, if necessary. For those persons who were clients of social care institutions, including homeless persons, out-patient care is provided by their "home institution" or regular out-patient services network. For persons with a serious mental disorder or disease, there are several relatively small facilities providing long-term socio-medical care and special treatment established within major regional health care centres and providing care to approximately 280 persons.

101. In order to develop a society-based mental health services and provide out-patient care, in 2009 institutional reforms were carried out which contributed to the increase in the number of out-patient visits and promoted the overall access of psychiatrists to the general public. In Riga, an out-patient psychiatric help desk was established as a part of medical treatment services rendered by medical practitioners; thus, psychiatric services have become more accessible. Furthermore, after reconstruction and together with newly built premises, a new Outpatient Mental Health Centre for about 150,000 inhabitants was established in Riga. In total, five modern outpatient mental health care centres have been established throughout Latvia.

102. Referring to the Committee's question concerning the means of restraints, the Government notes that physical restraints are applied to patients of psychiatric medical institutions in exceptional cases only. The procedure for application of such restraints is set out in the "Methodological recommendations on physical restraints applied to patients and persons under examination and regular review of mental state of patients, who are placed in wards under enhanced monitoring" adopted by the State-owned Riga Centre of Psychiatry and Addiction Disorders on 28 April 2008.

103. Pursuant to the aforementioned recommendations, the use of physical restraints is permitted only under exceptional circumstances, when a patient's behaviour is aggressive and dangerous, it poses a risk to him/her, and to the health and life of others. Physical restraints of a patient are applied only if directly ordered by a medical practitioner and as a measure of last resort for the shortest time possible. Physical restraints are applied with maximum care to a patient and are duly recorded by filling out the protocol on patient's physical restraints which is signed by a medical practitioner and is added to the patient's medical file. On average, there are approximately 300 cases of forced fixation for approximately 5,000 cases of hospitalisation.

104. For statistical data on mentally disabled persons in the places of deprivation of liberty, as well as information on release of convicts due to their serious health condition see annex 6.

Reply to the issues raised in paragraph 15 of the list of issues

105. The new Asylum Law was adopted on 15 June 2009 (entered into force on 14 July 2009) with the main aim to ensure an individual's right to asylum in Latvia, the right to obtain the refugee or alternative status, as well as to receive temporary protection. In addition to a number of procedural improvements and transposing of minimum standards of

several European Union directives, the new law introduces a more detailed regulatory framework for asylum issues which complies with international requirements.

106. The new Asylum Law no longer requires lodging of an asylum application with the State Border Guard at the respective border control check-point (so-called "the State Border proceedings"). The application may be examined either under accelerated or regular procedure irrespective of whether this application is lodged with the State Border Guard territorial unit or with the respective border control check-point.

107. Pursuant to the amendments to the Asylum Law which entered into force on 21 November 2013, after an asylum application and accompanying documents are lodged by an asylum-seeker with the State Border Guard, the responsible officer authorized by the OCMA within 10 working days decides on admissibility of the application. If the application is found admissible for examination on the merits, under the new Asylum Law the examination of the asylum application under the accelerated procedure is now extended from 5 working days to 10. Under the regular procedure, the application is examined within three months. If justified reasons are provided, the examination period may be extended up to 12 months.

108. The OCMA examines applications brought by asylum seekers and decides upon granting or refusing the refugee or alternative status. The OCMA ensures thorough evaluation of each individual case.

109. If an asylum seeker challenges the decision of OCMA on the admissibility of his/her asylum application, or on the examination of the applicant under the accelerated procedure, or on the refusal to grant refugee or alternative status, he or she is entitled to lodge a complaint with the District Administrative Court within 10 working days as of the day when the decision entered into force.

110. It is also worth pointing out that the time limits for appellate proceedings under the accelerated procedure are extended from two working days to five. Therefore, an asylum seeker may now use an effective remedy to challenge a negative decision within reasonable time limits.

111. Upon lodging an asylum application an asylum seeker receives information on his/her rights and obligations during the asylum proceedings. Such information is provided in English, Russian, Georgian and Arabic languages. In general, in the course of asylum proceedings, during an asylum interview with the competent State authorities or when lodging a complaint with the court, an asylum seeker is entitled to receive information in a language he/she understands or is able to communicate in. Interpreting services provided to an asylum seeker are funded from the State budget.

112. Pursuant to the provision of the Law on State Ensured Legal Aid during the appellate proceedings an asylum seeker is entitled to State ensured legal aid provided that he/she cannot afford to pay for these services himself/herself. State ensured legal aid may be requested at any time while the asylum application is pending and the final decision concerning this application has not yet entered into force.

113. Article 3 of the Asylum Law determines the non-refoulement principle, which provides that an asylum seeker or a person who is granted refugee or alternative status must not be returned or extradited from Latvia, if there are threats that the person concerned will be subject to persecution due to his/her race, religion, nationality, because of his/her belonging to a specific social group, or his/her political views. However, an asylum seeker or a person who is granted refugee or alternative status may be returned or extradited, if at least one of the following conditions exists, namely, there is reason to believe that the person concerned poses a threat to national security or public order and safety; or the person has been recognized, by a judgment of the court which is legally in force, as guilty

of committing such crime which, in accordance with the Latvian law, is recognized as an especially serious crime and poses a threat to the public.

114. In case a refusal to grant the refugee or alternative status is adopted, and it has not been challenged by a person concerned, the OCMA issues the order on voluntary departure; or, if the person has not left voluntarily, or has otherwise violated rules on entering or residence in Latvia, he/she is subject to forced deportation.

115. The course of voluntary departure and forced deportation proceedings is regulated by the respective provision of the Immigration Law and its recent amendments of 16 June 2011 and 1 January 2014. Under Article 43 of the Immigration Law, the order of the voluntary departure prescribes that the person concerned must leave Latvia within the time-limit from seven to 30 days. Upon the request submitted by the person, the responsible officer who issued the order on voluntary departure may extend the time-limit for the period not exceeding one year. When deciding on the extension of the said time-limit, particular circumstances of the case are taken into account, such as duration of the person's stay in Latvia, family or social relations, or whether a foreign national has a minor child who attends a school in Latvia.

116. Pursuant to the amendments of 11 June 2011 to the Immigration Law, the order on voluntary departure or the decision on forced deportation may be challenged before the higher-level institution. In its turn, the decision adopted by this institution can be challenged in the Administrative District Court within seven days after the person concerned received it. Afterwards, the Administrative District Court's decision may be subject to judicial review under cassation proceedings in the Department of Administrative Cases of the Supreme Court. An appeal lodged with the court does not suspend the enforcement of such order or decision.

117. The OCMA or the State Border Guard may quash or suspend the enforcement of the order on voluntary departure or the decision on forced deportation, if circumstances have changed, for example, if such deportation does not comply with international legal obligations binding to Latvia, or such order or decision have been reviewed on humanitarian grounds.

118. The OCMA official explains to the person concerned in a language he/she understands or should understand the content of the order or the decision, the possibility to challenge it, as well as the possibility to obtain State ensured legal aid. If necessary, interpreting services are ensured.

119. For the statistical data on the number of asylum seekers, as well s order on voluntary departure and decision on forced deportation, see annex 7.

Right to liberty and security of person, treatment of persons deprived of their liberty (arts. 9, 10)

Reply to the issues raised in paragraph 16 of the list of issues

120. Pursuant to the provision of the Criminal Procedure Law, detention on remand is a deprivation of liberty imposed on a person by the decision of an investigative judge or a court in cases provided in law. Detention on remand may be applied to a suspect or accused person before the final judgment is adopted within the respective criminal proceedings. Detention on remand may be applied only if the circumstances of the case provide sufficient grounds to believe that a person has committed a crime for which deprivation of liberty is imposed, and there is a risk that the person concerned would commit another crime or escape from pre-trial investigation, adjudication or enforcement of the judgment.

121. Detention on remand may also be applied to a person who is suspected or accused of having committed an especially serious crime, if (1) the criminal offence was directed against life or against a minor or a person who is financially or in any other way dependent on the suspect or the accused person, or against a person who due to age, illness or other reasons is not able to protect his/her interests; (2) the person is a member of an organized criminal group; (3) there are reasonable grounds to believe that the person will not appear before investigators upon his/her call, the person refuses to disclose his identity and his identity is not ascertained, or the person does not have a permanent address, or does not have a job. Detention on remand may also be applied to a suspect or an accused person who has committed an intentional crime during the probationary period.

122. However, detention on remand must not be applied to juveniles, pregnant women, or women in the post-natal period up to one year and breastfeeding women throughout the whole breastfeeding period, if he/she is suspected or accused of: (1) having committed a criminal violation, or (2) having committed a criminal offence because of negligence, except if such actions are committed while under drug (or alcohol) influence, and caused another person's death; (3) having committed an intentional less serious crime while another security measure or compulsory correctional measure – placement in social correctional education facility – has been violated, or, (4) having committed an intentional less serious crime while suspected or accused of having committed another serious or especially serious crime.

123. In accordance with the Criminal Procedure Law an investigative judge decides upon the application of detention on remand, which is initiated by an official directing criminal proceedings (an investigator) or a prosecutor; the investigative judge assesses the arguments presented, hears the views of a detainee, and takes into account the reasons for such detention and the nature of a criminal offence at issue.

124. According to the Criminal Procedure Law an official directing criminal proceedings (an investigator) must immediately, but not later than within 48 hours decide on both whether a person concerned must be recognized as a suspect or an accused, and which security measure must be applied in the present case. If the person is recognized as a suspect or an accused, and the security measure applied by the investigator is related to the deprivation of liberty, the person may be temporarily placed in the short-term detention facility before he/she is brought before an investigative judge. In this case, the above-said 48 hours' limitation from the apprehension moment must be strictly observed.

125. At the same time, the Criminal Procedure Law defines situations when an apprehended person must be brought before the investigative judge earlier than within 48 hours. The first one concerns an apprehended person who was on the most-wanted list for having committed a crime which is punishable with imprisonment, and no security measures have been applied to him/her. This person must be brought before an investigative judge immediately, but not later than within 24 hours. The second situation relates to an apprehended person upon whom a compulsory medical measure is to be applied, and an applicable security measure is related to the deprivation of liberty, or this person must be placed in a hospital for the purposes of forensic medical expertise. In this case, the person concerned must be brought before an investigative judge within a period of 12 hours at the latest.

Reply to the issues raised in paragraph 17 of the list of issues

126. The Government informs that during the reporting period numerous renovation and construction works aimed at improving the overall living conditions of prisoners took place in prisons. In total, during 2009-2013, renovation and construction works took place in 12 prisons, including the Cēsis Juvenile Correctional Institution (CJCI).

127. All the above-mentioned 12 prisons have undergone extensive renovation. Namely, boiler houses, sanitary facilities and administrative buildings were reconstructed, and heating equipment and educational equipment were purchased. Canteen blocks and premises for long-terms visits were renovated, and new medical equipment was installed. School facilities, school classes for theoretical and practical trainings, and a computer class were established. Furthermore, several arrangements were made for improving the operation of prison facilities in winter time. In a number of prison cells new artificial lighting was installed, the ventilation system renovated and improved, and outdoor walking area and rest rooms were renovated. Following the judgment of the Constitutional Court adopted on 22 June 2010 (see paragraph 18 above), in various prison cells a partition wall was built in order to separate sanitary facilities from the rest of the cell and to guarantee privacy.

128. Special attention was paid to the renovation of disciplinary cells. For example, in 2013 in Brasa Prison, sanitary facilities were renovated, new wooden flooring was installed, windows were enlarged, and artificial lighting was improved. In the Grīva Division of Daugavgrīva Prison the disciplinary cells have undergone major renovation works. In particular, living space was enlarged from approximately 3 m2 to 6 m2 per person, windows, sanitary facilities and furniture were replaced, and new wiring was installed.

129. By the decision of the Head of the Prison Authority adopted on 11 September 2013, an audit commission was established with the main task of assessing whether prisoners are ensured with living conditions which do not amount to inhuman and degrading treatment. In particular, the assessment of the living conditions must be carried out by considering the following criteria: whether a living space in a prison cell is regarded as sufficient for one person (taking into account the international standards of 4 m2 living space per person), whether repair works are necessary; whether artificial and/or natural lighting, sanitary facilities and ventilation are sufficient; whether an inmate is ensured with a bed, and so forth. The audit commission must present its final report on 1 March 2014. Following the results of the assessment, the chairman of the audit commission is obliged to present recommendations by 1 April 2014 on what measures must be taken in order to improve the inspected material conditions in each prison. If, after the necessary information is gathered and analysed, the decision is made that it is objectively possible to ensure a living space of $4m^2$ per person in a prison cell, the Prison Authority will bring this issue immediately before the Ministry of Justice for its further consideration.

Reply to the issues raised in paragraph 18 of the list of issues

130. On 1 January 2014 the Prison Authority established the Medical Unit in order to increase the number of medical personnel available at the places of deprivation of liberty, both to coordinate the work of all medical units at the places of deprivation of liberty and to provide necessary health care services for convicts and detainees. Until 1 September 2014 the Medical Unit of the Prison Authority must carry out an assessment of the required number of medical personnel who provide medical care and to make recommendation concerning the increase of the number of medical personnel. Following the results of the said assessment, as of January 2015 the Prison Authority plans to introduce changes in the general list of medical staff.

131. In order to secure quality of medical assistance and as far as it is objectively possible, the personnel of the medical units operating at the places of deprivation of liberty ensure medical counselling or treatment of a convict or detainee in public hospitals, and prescribe medicines which are funded by the State budget. In cases when planned in-patient medical treatment or medical examination is needed, it is organized by taking into consideration the time and availability of places in the relevant departments of the hospital. Urgent medical assistance is provided immediately 24 hours a day.

132. During the reporting period the Prison Authority has taken necessary steps in order to eliminate deficiencies related to the provision of health care services. For example, in Jelgava Prison the provision of dental treatment for convicts is organized in accordance with law, under constant supervision of the Prison Authority.

133. With the aim of improving the procedure for detecting bodily injuries, special training for the personnel of the medical units at the places of deprivation of liberty is to be organized in 2014. The personnel will be trained on how to represent bodily injuries and record the identified medical data, as well as how the specific application form is to be filled in for proper representation of bodily injuries. In that respect, it is also planned to provide the medical personnel with technical equipment for filming the injuries identified and adding images to the personal medical file of a convict or detainee.

134. Presently, if medium or serious bodily injuries are detected by the medical personnel, the responsible official initiates criminal proceedings regardless of the wishes of a convict or detainee. If light bodily injuries are incurred, the criminal proceedings are initiated upon a complaint lodged by the victim, or if the circumstances of the particular case indicate that another criminal offence has been possibly committed. The responsible prosecutor supervises the initiated investigation and carries out control over decisions adopted within the respective criminal proceedings.

135. During the reporting period the Concept Paper related to the provision of health care services to convicts is drafted under the auspices of the Ministry of Justice. In addition, it should be mentioned that in September 2013 the Prison Authority launched a project for the establishment of a new division of Olaine Prison and providing training of prison personnel aimed at working with addicts. The main activities of the said project focus on the personnel capacity development, construction of the specialized centre for addicts (200 prison places) and implementation of re-socialization activities. The said project is to be implemented until April 2016, and the project funding is EUR 8,277,294.

Right to a fair trial (art. 14)

Reply to the issues raised in paragraph 19 of the list of issues

136. Pursuant to the amendments that have been introduced to the Law on State Ensured Legal Aid during the reporting period, the right to apply for State ensured legal aid is currently granted to Latvian citizens, non-citizens, stateless persons, European Union citizens legally resident in Latvia, foreigners (including refugees and persons granted the alternative status) from a non-European Union Member State, who legally reside in Latvia and have received a permanent residence permit, asylum seekers, if they are:

- Poor or low-income persons, or
- Unable to protect their rights due to a specific situation, namely, their property status or income level (for example, in cases of natural disasters, *force majeure* or other reasons beyond person's control)), or
- They are subject to full State or municipal financial support.

137. Persons who are domiciled in the European Union member States, persons involved in cross-border disputes,[14] foreigners who are subject to forced deportation, as well as those

[14] Pursuant to Article 14.1 of the Law on State Ensured Legal Aid a cross-border dispute, in which the permanent residence or domicile of the party applying for legal aid at the time of receipt of the respective application is not in a State where the adjudication is taking place or the court judgment is to be enforced.

to whom such rights are granted in accordance with the Latvian international obligations, are also entitled for State ensured legal aid, if they are unable to protect their rights due to a specific situation or due to a lack of financial resources.

138. State ensured legal aid is provided for judicial and extra-judicial activities in civil and criminal proceedings, as well as in administrative proceedings concerning granting/refusing refugee status, and cross-border disputes. Amendments of 11 June 2011 to the Law on State Ensured Legal Aid broadened the list of situations covered by State ensured legal aid. Namely, such legal aid must be granted for appeal against the decision adopted with respect to the challenged order on voluntary departure, or against the decision adopted with respect to the challenged decision on forced deportation.

139. An individual may apply for legal aid before the date when the final judgment of the court enters into force. In terms of both civil and administrative proceedings, State ensured legal aid is provided for legal consultations, drafting of procedural documents and an individual's representation in the court. In terms of cross-border issues, State ensured legal aid is provided for legal consultations, drafting of procedural documents and an individual's representation in the court. In addition, an individual is eligible to receive interpretation services, translation of case-related documents; payment of the costs to ensure an individual's presence at the court's hearing if he/she may not be heard otherwise.

140. In terms of criminal proceedings, drafting of procedural documents and an individual's representation in the court is ensured within the scope of provided legal aid. It has to be pointed out that under the Law on State Ensured Legal Aid the terms and conditions for a defense lawyer's participation in the criminal proceedings are set out by the Criminal Procedure Law. The Criminal Procedure Law provides a set of rules that determine the participation of the defense lawyer thus ensuring an individual's right to legal aid in criminal proceedings as a whole, and, if necessary, within separate procedural actions.

141. During the reporting period the Law on State Compensation to Victims of 18 May 2006 has been amended several times. Hence, the scope of the rights of a victim to receive State compensation has been significantly enlarged. Namely, pursuant to the said law a person is entitled to compensation, if he/she is recognized as a victim of human trafficking, of an intentional violent crime as a result of which serious or medium bodily injuries have been caused to him/her, or resulted in the victim's death, or such crime has been directed against sexual inviolability of the victim, or the victim suffers from HIV/AIDS, hepatitis B or C. The victim is entitled to receive State compensation also, if a perpetrator or an accomplice has not been identified or even released from criminal liability pursuant to the Criminal Law.

142. In accordance with the Law on State Compensation to Victims the amount of State compensation is calculated taking into account the maximum amount of the respective compensation which is based on the total amount of five minimum monthly wages,[15] namely,

- In the amount of 100 per cent, in case of the victim's death;
- In the amount of 70 per cent, if serious bodily injuries have been caused to the victim, or in case of certain types of crimes that has been directed against sexual inviolability of the victim, or against sexual inviolability of a juvenile, or if a person is a victim of human trafficking;

[15] For example, minimum monthly wage in 2013 – EUR 320, maximum amount of State compensation – EUR 1,600.

- In the amount of 50 per cent, if medium bodily injuries have been caused to the victim; in case of certain types of crimes that has been directed against sexual inviolability of the victim, or the victim suffers from HIV/AIDS, hepatitis B or C, or if a person is recognized as a victim in a crime under certain Articles of the *Criminal Law*.

143. For statistical data on State ensured legal aid provided for asylum-seekers, and compensations provided to victims of criminal offences, see annex 8.

Freedom of expression (art. 19)

Reply to the issues raised in paragraph 20 of the list of issues

144. Freedom of expression is enshrined in Article 100 of the Constitution. On 11 August 2010 the Law on Electronic Media entered into force, replacing the former Law on Radio and Television. One of the aims of the new Law on Electronic Media is to ensure freedom of speech and freedom of expression, a comprehensive access to socially important information, and maintenance and development of free, democratic debate, providing each Latvian resident with the opportunity to independently form a view about the processes taking place in the country and to facilitate his/her capacity as a member of a democratic society to participate in these processes.

145. According to Article 28 of the Law on Electronic Media all broadcasts in foreign languages, except for live broadcasting, educational and news programmes, are sub-titled in the State language. Films are dubbed, or subtitled in the State language alongside the original sound track in such a quality that provides a sufficiently detailed understanding of the original text. These conditions do not apply to the broadcasting, or to the satellite electronic communications networks, distributed programs and movies for an audience other than Latvian residents. If the public electronic media produces and distributes television news programmes in a foreign language, it provides a summary of the news in the official language in the form of moving text lines.

146. The said Article also provides that if the use of the State language is endangered in any part of the Latvian territory, or its use or distribution is substantially insufficient, the Cabinet of Ministers is authorized to decide on measures to promote the use of official languages in the territory concerned. This provision envisages the promotion of the State language and is fully compatible with the Covenant, as well as the UNESCO 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

147. The only media that receive State subsidies are the public service media Latvijas Televīzija (Latvian Television) and Latvijas Radio (Latvian Radio). Both entities provide regular broadcasting programmes for non-Latvian speakers. For example, Radio 4 belonging to the Latvijas Radio is specifically established for non-Latvian speakers.

Reply to the issues raised in paragraph 21 of the list of issues

148. In March 2012 criminal proceedings were initiated concerning the incident of a physical attack against a journalist, Leonīds Jākobsons, which occurred on 29 March 2012, in Riga. The criminal proceedings were initiated under Article 231, paragraph 2, of the Criminal Law Chapter 2, which provides that hooliganism, if committed by a group of persons, or if it is associated with the injuries incurred to a victim, is punished with imprisonment for a term not exceeding five years, or short-term imprisonment or community service, or a fine and police supervision for a term not exceeding three years. According to the conclusions provided by the forensic medical expert, as a result of the physical attack Leonīds Jākobsons sustained light bodily injuries.

149. The investigation activities related to the aforesaid criminal proceedings are being carried out by the First Division of the Criminal Police Office of the Riga Region State Police Office. The responsible prosecutor of the Riga Regional Court Prosecutor Office supervises the said investigation. Presently, in the course of the criminal proceedings, the State Police is investigating two versions of events, namely, that the physical attack was related to the professional activities of the journalists, or that it was committed for personal reasons. Based on the received information, the State Police is conducting interviews of suspects, as well as carrying out other procedural actions in order to identify a possible perpetrator. The investigation in the said criminal case is still pending.

Right to participate in public life (art. 25)

Reply to the issues raised in paragraph 22 of the list of issues

150. According to the Guidelines on National Identity, Civil Society and Integration Policy 2012-2018 adopted on 20 October 2011, national minorities and their culture are an integral and important component of the Latvian society. In Latvia every member of a national minority has the right to maintain and develop his/her own language, and ethnic and cultural identity. It is widely supported by the State by ensuring opportunities to establish national schools, organizations, cultural institutions, as well as rights to publish media in the native language of national minority. Various measures have been implemented within the framework of the said Guidelines, for example, activities for the promotion of intercultural dialogue, and training of professionals of different public sectors on cultural diversity issues and diversity management.

151. In order to ensure the participation of ethnic minorities in the decision-making processes, as well as to provide effective coordination of the implementation of integration policy, the Ministry of Culture established the Consultative Committee of the Representatives of National Minority NGOs. This Committee is a consultative body whose main task is to provide consultation and inform about issues related to the participation of ethnic minority NGOs in shaping civil society in Latvia, development of integration policy and protection of rights of ethnic minorities, as well as drafting State reports on the implementation of the Framework Convention for the Protection of National Minorities.

152. In accordance with the amendments of 19 January 2012 to the Parliament's Rules of Procedure the procedure of consideration of collective submissions was introduced. The new procedure states that at least 10,000 citizens who have reached the age of 16 are entitled to lodge a collective submission with the Parliament which should be duly examined.

153. In 2005 the Cabinet of Ministers signed a Memorandum of co-operation between NGOs and State authorities, which is still regarded as a platform established for NGOs, including national minority NGOs, aimed at promoting good governance that will meet public interests, ensuring participation of civil society in the governmental decision-making process at all levels and during all stages involved.

154. In accordance with the Procedure for the participation of the society in the development planning process adopted by the Cabinet of Ministers on 25 August 2009, the public, as well as representatives of ethnic minorities, may be involved in the different stages of the development planning process, such as the initiation of the development planning process (for example, by identifying a problematic issue), decision-making, implementation, monitoring, evaluation and update of the planning document. A member of civil society may participate in the development planning process by taking part in working groups, public discussions and debates, as well as by submitting written opinions, comments or objections to the policy document which is being drafted by the State

institution. For example, State authorities organized public discussions and consultations with members of civil society during the drafting of the Guidelines on National Identity, Civil Society and Integration Policy.

155. On 1 July 2013 the amendments were introduced to the Procedure for the participation of the society in the development planning process establishing a new method of participation in the development planning process, namely, "the green paper". These amendments provide the possibility for any person to examine any legislative draft at its earliest stage of drafting, namely, 14 days prior to when the said legislative act is discussed at the Cabinet of Ministers during the meeting of the ministries' experts. The introduction of the said amendments significantly strengthens the participation of the society, including ethnic minorities, in the governmental decision-making process.

156. For the statistical data on the representation of ethnic minorities in the Parliament, see annex 9.

Non-discrimination and rights of persons belonging to minorities (arts. 17, 20, 26 and 27)

Reply to the issues raised in paragraph 23 of the list of issues

157. Numerous steps have been taken within the framework of the State Programme Gypsies (Roma people) in Latvia 2007-2009 in order to improve the level of education among Roma people and to support active participation of Roma NGOs in the implementation of the said Programme. The most significant achievements in the last five years are the preparation and inclusion of teacher assistants with Roma background into the comprehensive education system, as well as the organization of training and informative activities to raise awareness and cultural competences of pedagogical personnel who work with Roma pupils. However, due to financial constraints of the State budget, the Roma community acknowledges that other activities envisaged by the Programme have not been accomplished to their fullest extent.

158. In accordance with the European Union legislation, as well as given the specific national situation and conditions, such as the small Roma population, Latvia has developed a series of national Roma integration policy measures which have been included in the development planning document Guidelines on National Identity, Civil Society and Integration Policy 2012-2018. Experts and representatives from the competent State and municipal authorities, as well as representatives from the Roma community were involved in the drafting of these measures.

159. In particular, in order to foster the social inclusion of the Roma community, municipal institutions in cooperation with Roma representatives implemented several projects in the field of social rehabilitation. Additionally, since 2013 the supporting activities aimed at integration and raising awareness of Roma, especially in the field of education, have been initiated in cooperation with the Ministry of Culture and funded by the European Union. Furthermore, since 2012 the Ministry of Culture regularly provides special support to the projects of Roma NGOs aimed at promoting integration of the Roma community thus ensuring cooperation between Roma and State authorities.

160. As regards employment issues, it should be noted that experts, NGOs and representatives of the Roma community at the July 2011 meeting organized by the Ministry of Culture identified the major challenges for Roma integration in the area of employment. It was acknowledged that it is necessary to foster dialogue between representatives of the Roma community and Roma NGOs with employers in order to develop cooperation for involving Roma in the labour market, as well as to support measures to popularize good

practice which would help to reduce the negative stereotypes against representatives of this community. It has been also noted that due regard must be had to the competitiveness of Roma youth by supporting training for Roma career choices and the improvement of monitoring in the area of Roma employment. In terms of human rights, the following challenges have been put forward during the expert meeting and consultations: to implement measures to foster tolerance within society towards the Roma community, as well as to provide professional training on inter-cultural communication and dialogue, and so forth.

161. The representatives of the Roma community are involved and take part in various consultative mechanisms. In 2012 the Consultative Committee on Roma Integration Policy Issues was established under the auspices of the Ministry of Culture. Its aim is to facilitate integration of Latvian Roma people, strengthen cooperation between the Roma community and State authorities, as well as to promote civil participation of Roma people in Latvian social and political processes. The Committee is represented by members of the Roma community, State and municipal authorities, as well as NGOs and educational institutions.

162. The Ministry of Culture continues to implement support measures in order to enhance the civic participation of the Roma community, by organizing seminars and trainings for the members of Roma community on the issues of economic and social integration, as well as financing different projects aimed at advancing the said integration policy.

Reply to the issues raised in paragraph 24 of the list of issues

163. The Government refers to the information provided in paragraphs 563-579 of the third periodic report and recalls that international organizations pay special attention to Latvian education policy and that a number of international human rights experts have acknowledged that the education reform complies with the international standards.

164. Regarding the Committee's concerns about the lack of textbooks in some subjects and the quality of materials, the Government notes that on 7 August 2013 new amendments were introduced to the Law on Education which define the scope of responsibility between the State, municipality and parents as regards the distribution of funds for financing of educational textbooks. Publishing and purchasing of educational textbooks are financed from the State budget. If a request for financing of educational literature in a language other than Latvian is received, provided that this literature complies with the State approved educational standards, the Ministry of Education and Science urges publishers to find a possibility to publish the aforesaid literature, as well as encourages the schools to purchase the respective educational materials from the allocated State budgetary funds.

165. The National Centre for Education stipulates that the inclusion of the human rights issues into the content of teaching materials and methodological materials is regarded as a mandatory criterion when evaluating the compliance of teaching materials with the State approved education standards.

166. With respect to the Latvian language training provided for non-Latvian teachers, the Government points out that during the period from 2009 until 2013 the Latvian Language Agency has organized the respective trainings for 1,663 non-Latvian teachers who teach in Latvian and bilingually. In addition, a teacher is entitled to acquire a second-level higher professional education degree which provides qualification necessary for teaching additional subjects.

167. As of the school year 2013/2014, schools are endowed with a greater degree of autonomy. That means that according to the Regulation of the Cabinet of Ministers of 6 August 2013 the educational institutions are given more flexibility and freedom in defining

which courses should be given more academic hours, taking into account the educational curricula chosen by the respective school and the needs of its students.

168. At the same time, the Government emphasizes that the study course Minority language and literature in the State general education standards is defined as mandatory, meanwhile allowing schools which implement minority educational curricula to organize elective courses aimed at acquiring ethnic cultural knowledge. The relevant statistics suggest that 1,288 students in the school year 2012-2013 and 1,243 in 2011/2012 participated in the said elective courses and acquired cultural knowledge and traditions of the minority population. In its turn, in the school year 2012-2013, 5,890 students acquired knowledge of a minority language while participating in the respective elective courses offered by educational institutions.

169. The results of the centralized examinations prove that the implementation of the national minority education curricula options offered to schools is generally well-planned and achieves its goal. The current tendency expressly shows that within the past three years the results of the Latvian language proficiency examination among the 12th grade students have considerably improved. The average result in the Latvian language proficiency examination has increased from 52 per cent to 56 per cent of the maximum possible score. During the school year 2012/2013 76 per cent of students studying at minority schools have chosen the Latvian language as a language for answers of the centralized examination, whereas in the school year 2011/2012 72 per cent of students studying at minority schools have chosen to pass the centralized exams in the Latvian language. Overall, the results of centralized examinations show that students at minority schools have mastered the subjects in both Latvian and bilingually. That contributes both to their success in acquiring higher education and guarantees equal access to employment in Latvia.

Reply to the issues raised in paragraph 25 of the list of issues

170. Amendments to the Criminal Law supplementing Article 78 and Article 150 were adopted on 21 June 2007, and entered into force on 19 July 2007. Article 78 of the Criminal Law envisages criminal liability for intentional acts inciting to national, ethnic or racial hatred or enmity. Paragraph 2 of this Article stipulates a more severe sentence (up to 10 years of imprisonment), if such acts are associated, inter alia, with violence. Article 150 of the Criminal Law provides criminal liability for inciting religious hatred due to the person's attitude towards religion or atheism. More severe sentence (up to four years of imprisonment) is provided, if such acts are associated with violence.

171. Moreover, pursuant to Article 48 of the Criminal Law racist motive is an aggravating circumstance and is applicable together with other provisions of the said Law.

172. As concerns the prevention of racist discourse in the media, the Government notes that Article 7 of the Law on the Press and Mass Media prohibits publication of information that promotes violence and the overthrow of the State order, advocates war, cruelty, racial, national or religious superiority and intolerance, and incites the commiting of crimes.

173. In terms of racist discourse in politics, Article 316 of the Criminal Law stipulates which persons are recognized as State officials. Hence, if a discourse was racist in its nature and a person promoting violence is recognized as a State official, Article 78 of the Criminal Law (see paragraph 170 above) is applicable.

174. It should be also emphasized that the permanent working group established under the auspices of the Ministry of Justice examines possible amendments that would strengthen the fight against racially motivated crimes and increase sanctions for such crimes.

Reply to the issues raised in paragraph 26 of the list of issues

175. According to Article 19 of the State Language Law names must be transcribed in accordance with the traditions of the Latvian language and the rules applicable to literary language. Regard must be had to paragraph 2 of the said Article that stipulates that if a person so wishes and is able to adduce documentary evidence of it, the original form of the foreign surname transliterated into Latin alphabet, must be entered in the passport and birth certificate in addition to his/her forename and surname transcribed in accordance with the current forms of the Latvian language. The spelling and identification of forenames and surnames and the spelling and use of foreign names in the Latvian language is governed by the respective regulation adopted by the Cabinet of Ministers.

176. The same provision is included in the Regulation of the Cabinet of Ministers adopted on 21 February 2012 concerning personal identity documents. The relevant provisions state that if a person so wishes, the original form of the foreign surname transliterated into the Latin alphabet may be entered in the passport. Transliteration into the Latin alphabet is made in accordance to the Transliteration table adopted by the International Civil Aviation Organization. The said form of a person's forename and surname is indicated on page 3 of the passport.

177. According to the provision of the new Law on Registration of Civil Status Acts, information contained in the registry of civil status acts must be recorded in the State language. The person's forename and surname must be transcribed in accordance with the current forms of the Latvian language, and the original form of the foreigner's forename and surname is recorded by transliterating into the Latin alphabet.

178. In that respect, the Government also draws the Committee's attention to the judgment of the Constitutional Court of 17 November 2013,[16] where the Court stated that by declaring that the official language of the Republic of Latvia is Latvian, Article 4 of the Constitution accords it constitutional status. The constitutional status of the official language reinforces the legal basis for the use of Latvian in documents issued by the Republic of Latvia. Having regard to the fact that a Latvian citizen's passport is an official document which not only identifies the person concerned, but also attests to a permanent legal link between the individual and the State, that person's surname and forename must be written in the official language. It should also be taken into account that in the context of globalization Latvia is the only place in the world where the existence and development of the Latvian language and, by the same token, the Latvian nation, can be guaranteed, therefore, a restriction or limitation on the use of the Latvian language on the national territory constitutes a threat to the democratic regime of the State.

Reply to the issues raised in paragraph 27 of the list of issues

179. As mentioned in paragraph 3 of the third periodic report, it was drafted by a working group established for that particular purpose and chaired by the Representative of the Government before the international human rights organizations. A number of Latvian NGOs were invited to present their comments during the drafting process, namely, the Latvian Centre for Human Rights, the Centre of Public Policy PROVIDUS, the Human Rights Institute of the University of Latvia, the Latvian Civic Alliance, the Latvian Red Cross, the Society "Shelter 'Safe House'". The Ombudsman's Office was also involved in the drafting process of the present Report.

[16] Judgment of the Constitutional Court in case No. 2012-24-03. Available in Latvian at the Constitutional Court's website: www.satv.tiesa.gov.lv/upload/spriedums-2012_24_03.pdf (last viewed on 30 January 2014).

180. The present Report was published on the home page of the Cabinet of Ministers (www.mk.gov.lv),[17] the Ministry of Foreign Affairs (www.mfa.gov.lv).[18] Information concerning the third periodic report has been published by the mass media,[19] as well as cited in different sources. For example, in the decision of 8 June 2010 on termination of constitutional proceedings in case No. 2009-115-01 the Constitutional Court referred to the information provided in the third periodic report when examining the wording of Article 116 of the Latvian Code on Enforcement of Sentences, in particular, the legal grounds for releasing persons suffering from serious disease from the place of deprivation of liberty.[20] Information and public discussion concerning the second periodic report on implementation of the Covenant,[21] as well as the Committee's concluding observations[22] have been published at the website www.politika.lv, maintained by the Centre of Public Policy PROVIDUS. Information concerning the examination of the second periodic report has been published on the websites of various Latvian embassies.[23]

181. Finally, the provisions of the Covenant are generally referred to in the framework of training courses and study programmes focused on human rights in the work of various State authorities.

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[17] Available in Latvian from: 195.244.155.183/lv/mk/tap/?pid=40125402 (last viewed on 30 January 2014).

[18] Available in Latvian from: www.mfa.gov.lv/lv/Jaunumi/zinas/2009/julijs/15-2/ (last viewed on 30 January 2014).

[19] For example, available in Latvian from: www.reitingi.lv/lv/news/politika/32076.htm (last viewed on 30 January 2014).

[20] Available in Latvian from: www.satv.tiesa.gov.lv/upload/Tiesvedibas%20izb_2009-115-01%20(atbrivosana%20no%20soda%20izciesanas).htm (last viewed on 30 January 2014).

[21] Available in Latvian from: politika.lv/article/lr-sakotnejais-zinojums-par-1966-gada-starptautiska-pakta-par-ekonomiskajam-socialajam-un-kulturas-tiesibam-izpildi-latvijas-republika-laika-posma-lidz-2002-gada-1-janvarim-projekts; politika.lv/article/nacionalie-zinojumi-paskritika-un-pasciena; politika.lv/article/lr-kartejais-zinojums-par-1966-gada-starptautiska-pakta-par-pilsoniskajam-un-politiskajam-tiesibam-izpildi-lr-laika-posma-no-1995-gada-lidz-2002-gada-1-janvarim (last viewed on 30 January 2014).

[22] Available in Latvian and English from: politika.lv/article/ano-cilvektiesibu-komitejas-secinajumi-un-ieteikumi-concluding-observations-par-latvijas-zinojumu-par-ano-pakta-par-pilsoniskajam-un-politiskajam-tiesibam-izpildi-06-11-2003 (last viewed on 30 January 2014).

[23] For example, information available in Latvian from: www.latvia.pl/lv/helsinki/jaunumi/latvijas/ZinasNoLatvijas-Template/?pg=2213; www.mfa.gov.lv/lv/vilnius/jaunumi/MinistrijasPaziojumi/MinistrijasPaziņojumi-Template/?pg=2213 (last viewed on 30 January 2014).